

<p>Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address</p> <p>Dennis Rasmussen Bar Number: 153479 680 East Colorado Street, 2nd Floor Suite 180 Pasadena, CA 91101 Phone: (626) 412-4055 Email: dennisrasmussen@realestatelawcenter.org</p>		<p>FOR COURT USE ONLY</p>	
<p><input type="checkbox"/> Debtor appearing without attorney</p> <p><input checked="" type="checkbox"/> Attorney for Debtor</p>			
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</p>			
<p>List all names (including trade names) used by Debtor within the last 8 years.</p> <p>In re:</p> <p>Castillo Jr, Luis</p>		<p>CASE NUMBER: 2:20-bk-16950-MH 6:20-bk-16950-MH CHAPTER 13</p>	
		<p style="text-align: center;">CHAPTER 13 PLAN</p> <p><input type="checkbox"/> Original <input checked="" type="checkbox"/> Amended*</p> <p>*list below which sections have been changed:</p> <p style="text-align: center;">[FRBP 3015(b); LBR 3015-1]</p>	
		<p>11 U.S.C. SECTION 341(a) CREDITORS' MEETING: Date: 12/02/2020 Time: 8:00 AM Address: By video conferencing</p> <p>PLAN CONFIRMATION HEARING: [LBR 3015-1(d)] Date: 01/07/2021 Time: 11:00 AM Address: 3420 Twelfth Street</p>	
<p style="text-align: right;">Debtor(s).</p>			

*"Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code.
"FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.*

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

Part 1: PRELIMINARY INFORMATION

TO DEBTOR (the term "Debtor" includes and refers to both spouses as Debtors in a joint bankruptcy case): This Chapter 13 Plan (Plan) sets out options that may be appropriate in some cases, but the presence of an option in this Plan does not indicate that the option is appropriate, or permissible, in your situation. A Plan that does not comply with local rules and judicial rulings may not be confirmable. You should read this Plan carefully and discuss it with your attorney if you have one. If you do not have an attorney, you may wish to consult one.

TO ALL CREDITORS: This Plan is proposed by Debtor and your rights may be affected by this Plan. Your claim may be reduced, modified, or eliminated. You should read this Plan carefully and discuss it with your attorney if you have one. If you do not have an attorney, you may wish to consult one.

PLEASE NOTE THAT THE PROVISIONS OF THIS PLAN MAY BE MODIFIED BY ORDER OF THE COURT.

If you oppose this Plan's treatment of your claim or any provision of this Plan, you or your attorney must file a written objection to confirmation of the Plan at least 14 days before the date set for the hearing on confirmation. However, the amounts listed on a proof of claim for an allowed secured or priority claim control over any contrary amounts listed in the Plan. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See FRBP 3015. In addition, you must file a timely proof of claim in order to be paid under any plan. See LBR 3015-1 and FRBP 3002(a).

Defaults will be cured using the interest rate set forth below in the Plan.

The following matters may be of particular importance to you:

Debtor must check one box on each line to state whether or not this Plan includes each of the following items. If an item is checked as "Not Included," if both boxes are checked, or neither box is checked, the item will be ineffective if set out later as a provision in this Plan.

- 1.1 Valuation of property and avoidance of a lien on property of the bankruptcy estate, set out in Class 3B and/or Section IV (11 U.S.C. § 506(a) and (d)):
☐ Included ☒ Not Included
- 1.2 Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section IV (11 U.S.C. § 522(f)):
☐ Included ☒ Not Included
- 1.3 Less than full payment of a domestic support obligation that has been assigned to a governmental unit, pursuant to 11 U.S.C. §1322(a)(4). This provision requires that payments in Part 2 Section I.A. be for a term of 60 months:
☐ Included ☒ Not Included
- 1.4 Other Nonstandard Plan provisions, set out in Section IV:
☐ Included ☒ Not Included

ALL CREDITORS ARE REQUIRED TO FILE A PROOF OF CLAIM IN ORDER TO HAVE AN ALLOWED CLAIM, EXCEPT AS PROVIDED IN FRBP 3002(a). A Debtor whose Plan is confirmed may be eligible thereafter to receive a discharge of debts to the extent specified in 11 U.S.C. § 1328.

Regardless of whether this Plan treats a claim as secured or unsecured, any lien securing such claim is not avoided other than as provided by law or order of the court.

Part 2: PLAN TERMS

Debtor proposes the following Plan terms and makes the following declarations:

Section I. PLAN PAYMENT AND LENGTH OF PLAN

- A. Monthly Plan Payments will begin 30 days from the date the bankruptcy petition was filed. If the payment due date falls on the 29th, 30th, or 31st day of the month, payment is due on the 1st day of the following month (LBR 3015-1(k)(1)(A)).

Payments by Debtor of:

\$1,162.47 per month for months 1 through 60 totaling \$69,748.20.

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_____ per month for months 61 through 84 totaling _____.

For a total plan length of 84 months totaling \$69,748.20.

B. Nonpriority unsecured claims.

The total amount of estimated non-priority unsecured claims is \$0.29.

1. Unless otherwise ordered by the court, after Class 1 through Class 4 creditors are paid, allowed nonpriority unsecured claims that are not separately classified (Class 5) will be paid *pro rata* per the option checked below. If both options below are checked, the option providing the largest payment will be effective.

a. ☒ **"Percentage" plan:** 0.34 % of the total amount of these claims, for an estimated total payment of \$0.29.

b. ☐ **"Residual" plan:** The remaining funds, after disbursements have been made to all other creditors provided for in this Plan, estimated to pay a total of _____ and _____ to claims in Class 5. The amount distributed to Class 5 claims may be less than the amount specified here depending on the amount of secured and priority claims allowed.

2. Minimum Plan payments. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least the greater of the following amounts:

a. the sum of \$0.29, representing the liquidation value of the estate in a hypothetical Chapter 7 case under 11 U.S.C. § 1325(a)(4), or

b. if Debtor has above-median income and otherwise subject to 11 U.S.C. § 1325(b), the sum of \$0.29, representing all disposable income payable for 60 months under the means test.

- C. Income tax refunds. Debtor will provide the Chapter 13 Trustee with a copy of each income tax return filed during the Plan term within 14 days of filing the return and, unless the Plan provides 100% payment to nonpriority unsecured creditors (Class 5), will turn over to the Chapter 13 Trustee all federal and state income tax refunds received for the term of the plan. The Debtor may retain a total of \$500 of the sum of the federal and state tax refunds for each tax year. Income tax refunds received by the debtor and turned over to the Chapter 13 Trustee or directly turned over to the Chapter 13 Trustee by the taxing authorities do not decrease the total amount of payments stated in Section I.A., above. The refunds are pledged to the plan in addition to the amounts stated in Section I.A. and can be used by the Chapter 13 Trustee to increase the percentage paid to general unsecured creditors without further order of the Bankruptcy Court.

- D. In the event that secured creditor(s) file a Notice of Postpetition Fees and Costs pursuant to FRBP 3002.1(c), the Chapter 13 Trustee is authorized, but not required, to commence paying those charges 90 days after that notice is filed, unless within that time the Debtor contests those charges by filing a motion to determine payment under FRBP 3002.1(e) or agrees to pay those charges by filing a motion to modify this Plan.

- E. Debtor must make preconfirmation adequate protection payments for any creditor that holds an allowed claim secured by personal property where such security interest is attributable to the purchase of such property and preconfirmation payments on leases of personal property whose allowed claim is impaired by the terms proposed in this Plan. Debtor must make preconfirmation adequate protection payments and preconfirmation lease payments to the Chapter 13 Trustee for the following creditor(s) in the following amounts:

Creditor/Lessor Name	Collateral Description	Last 4 Digits of Account #	Amount
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Each adequate protection payment or preconfirmation lease payment will accrue beginning the 30th day from the date of filing of the case. The Chapter 13 Trustee must deduct the foregoing adequate protection payment(s) and/or preconfirmation lease payment from Debtor's Plan Payment and disburse the adequate protection payment or preconfirmation lease payment to the secured creditor(s) at the next disbursement or as soon as practicable after the payment is received and posted to the Chapter 13 Trustee's account. The Chapter 13 Trustee will collect his or her statutory fee on all receipts made for preconfirmation adequate protection payments or preconfirmation lease payments.

- F. Debtor must not incur debt greater than \$1,000 without prior court approval unless the debt is incurred in the ordinary course of business pursuant to 11 U.S.C. § 1304(b) or for medical emergencies.
- G. The Chapter 13 Trustee is authorized to disburse funds after the date Plan confirmation is announced in open court.
- H. Debtor must file timely all postpetition tax returns and pay timely all postconfirmation tax liabilities directly to the appropriate taxing authorities.

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F 3015-1.01.CHAPTER13.PLAN

- I. Debtor must pay all amounts required to be paid under a Domestic Support Obligation that first became payable after the date of the filing of the bankruptcy petition.
- J. If the Plan proposes to avoid a lien of a creditor, the Chapter 13 Trustee must not disburse any payments to that creditor on that lien until the Plan confirmation order is entered.
- K. Debtor must pay all required ongoing property taxes and insurance premiums for all real and personal property that secures claims paid under the Plan.

Section II. ORDER OF PAYMENT OF CLAIMS; CLASSIFICATION AND TREATMENT OF CLAIMS:

Except as otherwise provided in this Plan, the Chapter 13 Trustee must disburse all available funds for the payment of claims as follows:

A. ORDER OF PAYMENT OF CLAIMS:

1st If there are Domestic Support Obligations, the order of priority will be:

- (a) Domestic Support Obligations and the Chapter 13 Trustee's fee not exceeding the amount accrued on Plan Payments made to date;
- (b) Administrative expenses (Class 1(a)) until paid in full;

If there are no Domestic Support Obligations, the order of priority will be:

- (a) The Chapter 13 Trustee's fee not exceeding the amount accrued on Plan Payments made to date;
- (b) Administrative expenses (Class 1(a)) until paid in full.

2nd Subject to the 1st paragraph, *pro rata* to all secured claims and all priority unsecured claims until paid in full except as otherwise provided in this Plan.

3rd Non-priority unsecured creditors will be paid *pro rata* except as otherwise provided in this Plan. No payment will be made on nonpriority unsecured claims until all the above administrative, secured and priority claims have been paid in full unless otherwise provided in this Plan.

B. CLASSIFICATION AND TREATMENT OF CLAIMS:

CLASS 1			
<p align="center">ALLOWED UNSECURED CLAIMS ENTITLED TO PRIORITY UNDER 11 U.S.C. §507</p> <p>Class 1 claims will be paid in full <i>pro rata</i>. Any treatment that proposes to pay claims in Class 1(a) or 1(b) less than in full must be agreed to in writing by the holder of each such claim and specifically addressed in Section IV.D.</p> <p>Unless otherwise ordered by the court, the claim amount stated on a proof of claim, and the dollar amount of any allowed administrative expense, controls over any contrary amount listed below.</p>			
CATEGORY	AMOUNT OF PRIORITY CLAIM	INTEREST RATE, if any	TOTAL PAYMENT
a. Administrative Expenses			
(1) Chapter 13 Trustee's Fee – estimated at 11% of all payments to be made to all classes through this Plan.			
(3) Chapter 7 Trustee's Fees	\$0.00		\$0.00
b. Other Priority Claims			
c. Domestic Support Obligations that have been assigned to a governmental unit and are not to be paid in full in the Plan pursuant to 11 U.S.C. §1322(a)(4) (this provision requires that payments in Part 2 Section I.A. be for a term of 60 months) (specify creditor name):			

CLASS 2

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

**CLAIMS SECURED SOLELY BY PROPERTY THAT IS DEBTOR'S PRINCIPAL RESIDENCE
ON WHICH OBLIGATION MATURES AFTER THE FINAL PLAN PAYMENT IS DUE**

Check one.

- ☐ None. If "None" is checked, the rest of this form for Class 2 need not be completed.
- ☒ Debtor will maintain and make the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. Unless otherwise ordered by the court, these payments will be disbursed either by the Chapter 13 Trustee or directly by Debtor, as specified below. Debtor will cure the prepetition arrearages, if any, on a listed claim through disbursements by the Chapter 13 Trustee, with interest, if any, at the rate stated.

The arrearage amount stated on a proof of claim controls over any contrary amount listed below.

NAME OF CREDITOR	LAST 4 DIGITS OF ACCOUNT NUMBER	AMOUNT OF ARREARAGE, IF ANY	INTEREST RATE	ESTIMATED MONTHLY PAYMENT ON ARREARAGE	ESTIMATED TOTAL PAYMENTS	POST- PETITION MORTGAGE PAYMENT DISBURSING AGENT
Rushmore Loan Management Services, Inc		\$62,773.09	0.00 %	Pro-Rata	\$62,773.09	<input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor

CLASS 3A**UNIMPAIRED CLAIMS TO BE PAID DIRECTLY BY DEBTOR**

Check one.

- ☒ None. If "None" is checked, the rest of this form for Class 3A need not be completed.

CLASS 3B**CLAIMS SECURED BY REAL OR PERSONAL PROPERTY WHICH ARE TO BE
BIFURCATED AND PAID IN FULL DURING THE TERM OF THIS PLAN.**

Check one.

- ☒ None. If "None" is checked, the rest of this form for Class 3B need not be completed.

CLASS 3C**CLAIMS SECURED BY REAL OR PERSONAL PROPERTY WHICH ARE TO BE
PAID IN FULL DURING THE TERM OF THIS PLAN (WITHOUT BIFURCATION),
INCLUDING CURE OF ARREARS, IF APPLICABLE.**

Check all that apply.

- ☒ None. If "None" is checked, the rest of this form for Class 3C need not be completed.

CLASS 3D**SECURED CLAIMS EXCLUDED FROM 11 U.S.C. §506**

Check one.

- ☒ None. If "None" is checked, the rest of this form for Class 3D need not be completed.

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CLASS 4**OTHER CLAIMS ON WHICH THE LAST PAYMENT ON A CLAIM IS DUE
AFTER THE DATE ON WHICH THE FINAL PLAN PAYMENT IS DUE,
WHICH ARE PROVIDED FOR UNDER 11 U.S.C. §1322(b)(5)**

Check one.

**None.** If "None" is checked, the rest of this form for Class 4 need not be completed.**CLASS 5A****NON-PRIORITY UNSECURED CLAIMS NOT SEPARATELY CLASSIFIED**

Allowed nonpriority unsecured claims not separately classified must be paid pursuant to Section I.B. above.

SEPARATE CLASSIFICATION:

Check all that apply if Debtor proposes any separate classification of nonpriority unsecured claims.

**None.** If "None" is checked, the rest of this form for Class 5 need not be completed.**CLASS 6****SURRENDER OF COLLATERAL**

Check one.

**None.** If "None" is checked, the rest of this form for Class 6 need not be completed.**CLASS 7****EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Any executory contracts or unexpired leases not listed below are deemed rejected.

Check one.

**None.** If "None" is checked, the rest of this form for Class 7 need not be completed.**Section III. PLAN SUMMARY**

CLASS 1a	\$0.00
CLASS 1b	\$0.00
CLASS 1c	\$0.00
CLASS 2	\$62,773.09
CLASS 3B	\$0.00
CLASS 3C	\$0.00
CLASS 3D	\$0.00
CLASS 4	\$0.00

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CLASS 5A	\$0.29
CLASS 5C	\$0.00
CLASS 7	\$0.00
SUB-TOTAL	\$62,773.38
CHAPTER 13 TRUSTEE'S FEE (Estimated 11% unless advised otherwise)	\$6,277.34
TOTAL PAYMENT	\$69,050.72

Section IV. NON-STANDARD PLAN PROVISIONS

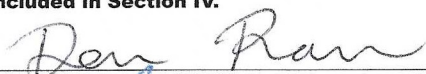
☒ None. If "None" is checked, the rest of Section IV need not be completed.

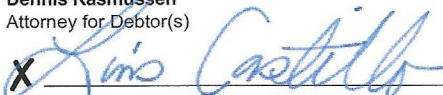
V. REVESTING OF PROPERTY

Property of the bankruptcy estate will not revert in Debtor until a discharge is granted or the case is dismissed or closed without discharge. Revesting will be subject to all liens and encumbrances in existence when the case was filed, except those liens avoided by court order or extinguished by operation of law. In the event the case is converted to a case under Chapter 7, 11, or 12 of the Bankruptcy Code, the property of the estate will vest in accordance with applicable law. After confirmation of this Plan, the Chapter 13 Trustee will not have any further authority or fiduciary duty regarding use, sale, or refinancing of property of the estate except to respond to any motion for proposed use, sale, or refinancing as required by the LBRs. Prior to any discharge or dismissal, Debtor must seek approval of the court to purchase, sell, or refinance real property.

By filing this document, the Attorney for Debtor, or Debtor if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this Plan are identical to those contained in the Central District of California Chapter 13 Plan other than any nonstandard Plan provisions included in Section IV.

Date: 11/18/2020


Dennis Rasmussen
Attorney for Debtor(s)

☒ 
Luis Castillo, Jr
Debtor 1


ATTACHMENT A to Chapter 13 Plan/Confirmation Order
(11 U.S.C. §§ 506: valuation/lien avoidance by separate motion(s))

☒ **None.** If "None" is checked, the rest of this Attachment A need not be completed.

CERTIFICATION: I have prepared this attachment (including any additional pages) for use by the Chapter 13 Trustee. I certify under penalty of perjury under the laws of the United States of America that the information provided in this attachment is accurate to the best of my knowledge after reasonable inquiry, and I acknowledge that the Chapter 13 Trustee has no duty to verify the accuracy of that information.

Executed on (date) 11/18/2020

Printed Name Dennis Rasmussen

Signature: 

☒ Attorney for Debtor or ☐ Debtor appearing without attorney